

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Patrick Yu	Team: Squad #16	CCRB Case #: 201603311	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Friday, 04/08/2016 6:25 PM	Location of Incident: Saint Lawrence Avenue and Gleason Avenue; 43rd Precinct stationhouse	Precinct: 43	18 Mo. SOL 10/8/2017	EO SOL 10/8/2017	
Date/Time CV Reported Fri, 04/08/2016 9:35 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 04/18/2016 11:06 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Daniel Baca	02975	934434	NARCBBX
2. SGT Brian Query	05001	937315	NARCBBX
3. DT3 Ferdi Memedoski	6508	942190	NARCBBX
4. LT Charles Hyland	00000	915928	NARCBBX
5. POM Luis Reyes	19492	959927	043 PCT
6. Officers			NARCBBX
7. An officer			NARCBBX

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Daniel Mahoney	06505	943509	NARCBBX
2. DT3 Edwin Martinez	01177	940433	NARCBBX
3. DT3 Edward Hernandez	01645	938660	NARCBBX
4. LT Frederick Reyes	00000	927805	043 PCT

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Daniel Baca	Discourtesy: On Saint Lawrence Avenue and Gleason Avenue in the Bronx, Detective Daniel Baca spoke discourteously to § 87(2)(b)	
B.DT3 Ferdi Memedoski	Discourtesy: On Saint Lawrence Avenue and Gleason Avenue in the Bronx, and at the 43rd Precinct stationhouse, Detective Ferdi Memedoski spoke discourteously to § 87(2)(b)	
C.DT3 Daniel Baca	Force: On Saint Lawrence Avenue and Gleason Avenue in the Bronx, Detective Daniel Baca used physical force against § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
D.DT3 Ferdi Memedoski	Force: On Saint Lawrence Avenue and Gleason Avenue in the Bronx, Detective Ferdi Memedoski used physical force against § 87(2)(b)	
E.LT Charles Hyland	Force: On Saint Lawrence Avenue and Gleason Avenue in the Bronx, Lieutenant Charles Hyland used physical force against § 87(2)(b)	
F.LT Charles Hyland	Abuse: On Saint Lawrence Avenue and Gleason Avenue in the Bronx, Lieutenant Charles Hyland threatened to arrest § 87(2)(b)	
G. Officers	Discourtesy: On Saint Lawrence Avenue and Gleason Avenue in the Bronx, officers spoke discourteously to § 87(2)(b)	
H. Officers	Force: On Saint Lawrence Avenue and Gleason Avenue in the Bronx, officers used physical force against § 87(2)(b)	
I. An officer	Abuse: On Saint Lawrence Avenue and Gleason Avenue in the Bronx, an officer threatened to arrest an individual.	
J.SGT Brian Query	Abuse: At the 43rd Precinct stationhouse, Sergeant Brian Query authorized a strip-search of § 87(2)(b)	
K.DT3 Ferdi Memedoski	Force: At the 43rd Precinct stationhouse, Detective Ferdi Memedoski used physical force against § 87(2)(b)	
L.DT3 Ferdi Memedoski	Abuse: At the 43rd Precinct stationhouse, Detective Ferdi Memedoski did not obtain medical attention for § 87(2)(b)	
M.POM Luis Reyes	Abuse: At the 43rd Precinct stationhouse, Police Officer Luis Reyes did not process § 87(2)(b)'s complaint regarding officers.	
N.SGT Brian Query	Abuse: At the 43rd Precinct stationhouse, Sergeant Brian Query did not process § 87(2)(b)'s complaint regarding officers.	
O.SGT Brian Query	Abuse: At the 43rd Precinct stationhouse, Sergeant Brian Query refused to provide his name and shield number to § 87(2)(b)	
§ 87(2)(g), § 87(4-b)		

Case Summary

On April 8, 2016, § 87(2)(b) filed this complaint on behalf of her brother, § 87(2)(b) with IAB via telephone. This case was received by the CCRB on April 18, 2016.

On April 8, 2016, the Bronx Narcotics Team was doing observations in the vicinity of Saint Lawrence Avenue and Gleason Avenue in the Bronx. At approximately 6:25 p.m., Det. Edward Hernandez and Det. Daniel Baca observed a drug transaction occur at the corner of Saint Lawrence Avenue and Gleason Avenue. Det. Baca, Det. Edward Hernandez, and Det. Ferdi Memedoski subsequently approached § 87(2)(b) at the aforementioned location. Det. Baca and Det. Memedoski both allegedly told § 87(2)(b) to “shut the fuck up” before placing him in handcuffs (**Allegations A and B**). § 87(2)(b) alleged that once he was placed in handcuffs, Det. Baca subsequently punched him in the face causing him to fall on the ground (**Allegation C**). Det. Memedoski allegedly stepped on § 87(2)(b) head while he was on the ground (**Allegation D**). Subsequently, Det. Baca and Det. Memedoski both punched, kicked, and stomped on § 87(2)(b) (**subsumed within Allegations C and D**). At some point, § 87(2)(b) arrived on the scene and as she approached the officers and § 87(2)(b) Lt. Charles Hyland allegedly pushed § 87(2)(b) (**Allegation E**). § 87(2)(b) alleged that Lt. Hyland then told her to back up, took out his handcuffs, and asked, “Would you like me to arrest you?” (**Allegations F**). § 87(2)(b) also alleged that as he was on the ground, he heard unidentified officers telling his mother, § 87(2)(b) to “shut the fuck up” (**Allegation G**). § 87(2)(b) alleged that unidentified officers on the scene subsequently lifted him from the ground and then threw him into the prisoner van (**Allegations H**). § 87(2)(b) and § 87(2)(b) were all arrested on the scene and transported to the 43rd Precinct stationhouse via the prisoner van. § 87(2)(b) stated that an individual known only as § 87(2)(b) informed her that an officer threatened to arrest him (**Allegation I**).

At the 43rd Precinct stationhouse, § 87(2)(b) alleged that Det. Memedoski again told him to “shut the fuck up,” and called him a “motherfucker” (**subsumed within Allegation B**). While in the stationhouse, Sgt. Brian Query authorized a strip search of § 87(2)(b) (**Allegations J**). During the strip search, Det. Memedoski allegedly punched § 87(2)(b) while § 87(2)(b) was in handcuffs (**Allegation K**). § 87(2)(b) also alleged that he asked Det. Memedoski to take him to the hospital, but he never received medical attention (**Allegation L**).

During the incident, § 87(2)(b) entered the 43rd Precinct stationhouse and told PO Luis Reyes that she wanted to file a complaint (**Allegation M**). Additionally, § 87(2)(b) asked Sgt. Query for his name and shield number and asked him to provide the other officers’ names and shield numbers and that she wanted to file a complaint. However, Sgt. Query did not take § 87(2)(b) complaint nor provide her with his information (**Allegation N and O**). § 87(2)(b) stated that she ultimately called 311 to file the complaint.

Lt. Hyland did not provide a copy of his memo to the CCRB during the investigation (**Allegation P**).

§ 87(2)(b) and § 87(2)(b) were arrested during this incident and § 87(2)(b) was issued a summons (Board Review 18, 19, and 21).

This case contains no video evidence.

This case exceeds 90 days. The first civilian was interviewed 37 days after the case was received. Contact attempts were also made to one other potential victim and four potential witnesses in this case.

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation because this case involved an arrest.
- On October 13, 2016, the New York Comptroller's Office indicated that none of the involved civilians have filed a Notice of Claim in regards to this incident (Board Review 24).
- § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- § 87(2)(b) [REDACTED].
- § 87(2)(b) [REDACTED] has no criminal convictions in New York City in the past 10 years (Board Review 22).
- § 87(2)(b) [REDACTED] no criminal convictions in New York City in the past 10 years (Board Review 28).
- Since § 87(2)(b) [REDACTED] could not be identified, OCA database queries could not be completed.

Civilian and Officer CCRB Histories

- This is the first CCRB complaint filed by § 87(2)(b) [REDACTED] (Board Review 16).
- § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED]
- This is § 87(2)(b) [REDACTED]'s first CCRB complaint (Board Review 29).
- Det. Baca has been a member of the NYPD for 12 years and has had 27 CCRB allegations pleaded against him in 11 cases.
 - In case #201305331, a discourtesy allegation pleaded against him was substantiated by the CCRB and the NYPD imposed a Command Discipline-B.
 - In case #201305331, a frisk and a search allegation pleaded against him were substantiated by the CCRB, pending NYPD disposition.
- Det. Memedoski has been a member of the NYPD for 10 years and has had five CCRB allegations pleaded against him in three cases.
 - In case #201007140, a vehicle search and a stop allegation pleaded against him were substantiated by the CCRB and the NYPD imposed a Command Discipline-B.

- Lt. Hyland has been a member of the NYPD for 21 years and has had 12 CCRB allegations pleaded against him in eight cases; none of the allegations have been substantiated. § 87(2)(g).
- Sgt. Query has been a member of the NYPD for 11 years and has had 9 CCRB allegations pleaded against him in four cases; none of the allegations have been substantiated. § 87(2)(g).
- PO Reyes has been a member of the NYPD for one year and he has had no prior CCRB allegations pleaded against him.

Potential Issues

- The undersigned exhausted contact attempts to § 87(2)(b). However, § 87(2)(b) has not contacted the CCRB to provide a statement.
- § 87(2)(b) stated during the incident he was with a friend named § 87(2)(b). However, he did not have any contact information for § 87(2)(b). Thus, contact attempts or further database searches could not be completed.
- The investigation was unable to contact § 87(2)(b) to obtain a statement. Queries of Lexis Nexis and CLEAR databases yielded negative results for any additional contact information for § 87(2)(b).
- On June 23, 2016, the undersigned called § 87(2)(b) and he stated that he did not wish to participate with the investigation after the undersigned explained the CCRB's investigation process.
- During the investigation, the undersigned identified a witness, § 87(2)(b) who resides at § 87(2)(b) which was where the incident occurred in front of. § 87(2)(b) provided a brief unverified phone statement. During subsequent calls, § 87(2)(b) decided that he did not want to cooperate with the investigation.
- § 87(2)(b) stated that there was a person by the name of § 87(2)(b) who was present during the incident on Saint Lawrence Avenue and Gleason Avenue. However, § 87(2)(b) did not have any contact information for § 87(2)(b) and did not know his full name. Therefore, the investigation was unable to conduct any database searches to obtain contact information for § 87(2)(b).

Findings and Recommendations

Explanation of Subject Officer Identification

- § 87(2)(b) stated that there were two officers who initially approached him during the incident (Board Review 02). All of the officers interviewed corroborated that Det. Baca and Det. Memedowski were the initial officers who approached § 87(2)(b).
- § 87(2)(b) described one of the officers who approached him as white male, 5'7" tall, stocky, in plainclothes, had a black beard, in his 40s, and did not wear glasses or have any tattoos. He alleged that this officer told him "shut the fuck up," punched him in the face causing him to fall on the ground during the incident, and strip searched him. Det. Baca closely matches § 87(2)(b) description of the subject officer. Det. Baca is a Hispanic male, 5'10" tall, 245 pounds, with black hair and brown eyes, and was 40 years old during the incident. Thus, **Allegations A and C** were pleaded against Det. Baca.
- § 87(2)(b) described the other officer as a Hispanic or white male, approximately 6 feet tall, slim, in plainclothes, in his 40s, possibly bald, with a scruffy black beard, and

did not wear glasses or have any tattoos. Det. Memedoski alleged that this officer told him “shut the fuck up,” stepped on his head, cursed at him in the stationhouse, punched him in the stationhouse, and refused to provide him with medical attention. Det. Memedoski closely matches § 87(2)(b) description of this officer. Det. Memedoski is a white male, who is 6’2” tall, weighs 230 pounds, with black hair and brown eyes, and was 33 years old during the incident. Therefore, **Allegations B, D, K and L** were pleaded against Det. Memedoski.

- § 87(2)(b) alleged that approximately six officers lifted him up from the ground and threw him into a prisoner van. However, § 87(2)(b) alleged that she saw only four officers do so (Board Review 01). All of the officers provided different accounts about which officers brought § 87(2)(b) to the prisoner van, and all of the officers denied throwing § 87(2)(b) inside the van or seeing § 87(2)(b) being thrown into the van. Therefore, because of the inconsistencies in the civilians and officers’ testimony, the investigation was unable to definitively identify which officers escorted § 87(2)(b) inside the van. Therefore, **Allegation H** was pleaded against Officers from Bronx Narcotics.
- § 87(2)(b) alleged that he heard officers telling § 87(2)(b) to “shut the fuck up.” However, § 87(2)(b) did not indicate which officers did so and § 87(2)(b) did not provide a statement to the CCRB to further identify these officers. Therefore, **Allegation G** has been pleaded against **Officers** (from Bronx Narcotics)..
- § 87(2)(b) stated that an officer pushed her, told her to get back, and threatened to arrest her on the scene of § 87(2)(b) arrest (Board Review 01). She described this officer as a white male, in plainclothes, over 6 feet tall, muscular build, possibly had blue eyes, low cut red hair, no glasses, and in his late 40s-50s. Lt. Hyland is a white male, who is 6’1 tall, weighs 195 pounds, with blonde hair, and blue eyes, and was 45 years old during the incident. Lt. Hyland’s attributes closely matches § 87(2)(b) description of this officer. Moreover, Lt. Hyland stated that he was present on the scene and admitted to interacting with § 87(2)(b) during the incident (Board Review 13). Therefore, **Allegations E and F** were pleaded against Lt. Hyland.
- § 87(2)(b) stated that she was informed by § 87(2)(b) that an officer threatened to arrest him during the incident. However, § 87(2)(b) did not witness this. The investigation was unable to contact § 87(2)(b) to elaborate on this occurrence. Therefore, **Allegation I** was pleaded against **an officer** (from Bronx Narcotics).
- § 87(2)(b) alleged that at the 43rd Precinct stationhouse she spoke with a Hispanic male officer with low cut hair, in blue uniform, approximately 35 or 36 years old, with no glasses, no facial hair, or tattoos. She stated that she told this officer that she wanted to file a complaint, but he only told her to sign in the log and wait. Moreover, she stated that this officer was sitting at the desk to the far right. PO Reyes was the Telephone Switchboard operator during the incident and he is a Hispanic male, who is 6’2” tall, weighs 240 pounds, with black hair and brown eyes, and was 21 years old at the time of incident. Furthermore, PO Reyes affirmed that he was assigned to the Telephone Switchboard and was next to the front desk (Board Review 12). Given that PO Reyes would have been by the desk during the incident and his attributes fairly matched § 87(2)(b) description of the officer, **Allegation M** has been pleaded against PO Reyes.

- § 87(2)(b) stated that an officer told her “Good luck finding my name and information,” and refused to take her complaint when she asked for this officer’s name and shield number and stated that she wanted to file a complaint (Board Review 01). § 87(2)(b) described this officer as a black male, 5’5” tall, stocky, in plainclothes, did not wear any glasses, did not have any facial hair, and had big eyes. Sgt. Query is a Hispanic male, dark complexion, 5’6” tall, weighs 195 pounds, with black hair and black eyes. Moreover, Sgt. Query affirmed that he spoke with § 87(2)(b) family members at the 43rd Precinct stationhouse after they transported § 87(2)(b) to the stationhouse (Board Review 05). Since Sgt. Query’s attributes closely matches § 87(2)(b) description of the subject officer and he acknowledged interacting with § 87(2)(b) family members in the stationhouse, **Allegations N and O** were pleaded against him

Allegations not pleaded

Force – Hit against inanimate object:

Force – Physical Force:

§ 87(2)(b) alleged that officers banged § 87(2)(b) head on the ground multiple times while he was on the ground (Board Review 01). Additionally, § 87(2)(b) stated that officers pushed § 87(2)(b) against the van several times and also hit § 87(2)(b) head against the van. However, § 87(2)(b) never mentioned that officers banged his head on the ground or shoved him against the van. As such, these force allegations have not been pleaded.

Discourtesy- Word:

§ 87(2)(b) alleged that he heard officers tell § 87(2)(b) to “shut the fuck up” (Board Review 02). However, § 87(2)(b) did not state that officers used any profanities during the incident. Therefore, this discourtesy allegation has not been pleaded.

Allegation A -Discourtesy: On Saint Lawrence Avenue and Gleason Avenue in the Bronx, Detective Daniel Baca spoke discourteously to § 87(2)(b)

Allegation B -Discourtesy: On Saint Lawrence Avenue and Gleason Avenue in the Bronx, and at the 43rd Precinct stationhouse, Detective Ferdi Memedoski spoke discourteously to § 87(2)(b)

§ 87(2)(b)

§ 87(2)(b), § 87(2)(g)

In his CCRB testimony, § 87(2)(b) alleged that Det. Baca and Det. Memedoski both told him to “shut the fuck up” when they initially approached him and he protested his innocence (Board Review 02). At this point, § 87(2)(b) was alone with Det. Baca and Det. Memedoski. § 87(2)(b) also alleged that once he was brought to the 43rd Precinct stationhouse, Det. Memedoski again told him, “Shut the fuck up,” and called him a “motherfucker.”

§ 87(2)(b) was not present for either of the incidents where § 87(2)(b) alleged that officers used profanities. Furthermore, § 87(2)(b) did not state that she heard any officers using any profanities during the incident (Board Review 01).

§ 87(2)(b) stated that he could not hear the conversations from inside his residence located on § 87(2)(b) in the Bronx § 87(2)(b) but stated that he heard § 87(2)(b) yelling (Board Review 03).

Det. Baca stated that he did not recall telling § 87(2)(b) to “shut the fuck up” or using any profanities when speaking with § 87(2)(b) (Board Review 06). Additionally, Det. Baca did not recall hearing any officers using any profanities at the scene of § 87(2)(b) arrest. Det. Baca stated that § 87(2)(b) was screaming and yelling profanities when they first approached him.

Det. Memedoski denied telling § 87(2)(b) to “shut the fuck up” or stating any discourtesies at the scene of § 87(2)(b) arrest (Board Review 09). Moreover, Det. Memedoski did not hear any officers using any profanities throughout the incident. Det. Memedoski also denied saying “motherfucker” at the stationhouse.

None of the other officers interviewed, that were present on the scene, stated that they used any profanities or that they heard other officers using any profanities during the incident (Board Review 05-11).

§ 87(2)(b), § 87(2)(g)

Allegation C -Force: On Saint Lawrence Avenue and Gleason Avenue in the Bronx, Detective Daniel Baca used physical force against § 87(2)(b)

Allegation D -Force: On Saint Lawrence Avenue and Gleason Avenue in the Bronx, Detective Ferdi Memedoski used physical force against § 87(2)(b)

Allegation H -Force: On Saint Lawrence Avenue and Gleason Avenue in the Bronx, officers used physical force against § 87(2)(b)

It is in dispute on the extent of the officers’ force used against § 87(2)(b)

§ 87(2)(b) alleged that once he was placed in handcuffs, Det. Baca punched the left side of his face which caused him to fall on the ground (Board Review 02). § 87(2)(b) stated that Det. Memedoski subsequently stepped on his head. § 87(2)(b) stated that for the entirety of the ten minutes that he was on the ground, Det. Baca and Det. Memedoski punched, kicked, and stomped on his head and back. § 87(2)(b) stated that he was screaming for the officers to get off of him and acknowledged that he was squirming his body by moving his legs and “any part of his body he could.” § 87(2)(b) stated that he was subsequently picked up from the ground by all of the officers and then thrown inside the prisoner van. § 87(2)(b) acknowledged that he saw § 87(2)(b) and § 87(2)(b) while he was on the ground.

In his unverified phone statement, § 87(2)(b) stated that he only heard § 87(2)(b) screaming during the incident (Board Review 03). From his window, § 87(2)(b) saw § 87(2)(b) constantly turning around while he was against the gate. At some point, § 87(2)(b) then saw the officers push § 87(2)(b) against the gate followed by § 87(2)(b) attempting to push away.

§ 87(2)(b) subsequently saw the officers throw the male on the ground and approximately three officers held § 87(2)(b) down to place him in handcuffs. Furthermore, § 87(2)(b) stated that, at some point during the incident, § 87(2)(b) attempted to pull away and refused to be frisked during the incident. § 87(2)(b) stated that § 87(2)(b) was handcuffed on the ground and immediately placed inside an unmarked van. § 87(2)(b) denied seeing any officers punching or kicking § 87(2)(b) or see any officers stomping on § 87(2)(b) head.

In her CCRB testimony, § 87(2)(b) provided a different account of what force was used against § 87(2)(b) during the incident (Board Review 01). § 87(2)(b) did not state that she saw any officer punching, kicking, or stomping on § 87(2)(b). § 87(2)(b) stated that she saw officers holding § 87(2)(b) body on the ground as they were handcuffing him. § 87(2)(b) also stated that § 87(2)(b) was not moving his body at any point and that he was telling the officers to get off of him. Moreover, as noted in the officer explanation section, § 87(2)(b) stated the she saw four officers picking § 87(2)(b) up and throwing him inside the prisoner van.

As detailed above, § 87(2)(b) and § 87(2)(b) did not provide a statement to the CCRB.

Det. Baca stated that he initially held § 87(2)(b) arms while attempting to place him in handcuffs. However, § 87(2)(b) began flailing his arms by throwing elbows, trying to kick, and trying to run away (Board Review 06). Det. Baca did not know how § 87(2)(b) came to be on the ground, but recalled § 87(2)(b) being faced down on the ground during the incident. Det. Baca stated that § 87(2)(b) was fighting on the ground by refusing to be handcuffed, kicking, and tucking his hands underneath his chest. Det. Baca did not indicate that any officers were struck by § 87(2)(b) actions. Det. Baca stated that he pulled § 87(2)(b) arm behind his back to place him in handcuffs. He stated that additional officers assisted by also placing § 87(2)(b) hands behind his back, but he did not recall which officers did so. Det. Baca did not recall using any additional force against § 87(2)(b) during the incident. Det. Baca denied kicking or punching § 87(2)(b) or making physical contact with his head. Moreover, he did not see any other officers using any of the aforementioned force.

Det. Memedoski stated he met up with Det. Hernandez and Det. Baca who was with § 87(2)(b) after he went to apprehend § 87(2)(b) (Board Review 09). Det. Memedoski did not recall if § 87(2)(b) was in handcuffs when he arrived. § 87(2)(b) was screaming and moving his shoulders back and forth while sticking his elbows out away from his body and swinging his elbows back and forth. Det. Memedoski stated that Det. Baca was holding § 87(2)(b) at this time, but he did not recall if any other officers were also holding § 87(2)(b). Det. Memedoski stated that § 87(2)(b) pushed off the fence and subsequently fell on the ground with Det. Baca. On the ground, § 87(2)(b) was kicking, screaming, and wiggling around. Det. Memedoski subsequently went to hold § 87(2)(b) upper body. Det. Memedoski did not recall if any other officers assisted. Det. Memedoski denied using any additional physical force besides holding § 87(2)(b) down. He denied punching kicking or making any contact with § 87(2)(b) head and did not see any officers do so.

In his testimony, Det. Hernandez stated that he, Det. Baca, and Det. Memedoski all went to approach § 87(2)(b). Det. Baca stated that § 87(2)(b) was handcuffed within seconds while standing (Board Review 08). After § 87(2)(b) was handcuffed, § 87(2)(b) jumped up and down and moved his body. Det. Hernandez did not further describe § 87(2)(b) movements. Det. Baca and Det. Memedoski both grabbed § 87(2)(b) by his arms to bring him to the prisoner van. A struggle ensued and § 87(2)(b) fell to the ground with the officers. Det. Hernandez stated that § 87(2)(b) kicked Lt. Hyland while he was on the ground. Officers, whose identities Det. Hernandez could not recall, subsequently grabbed § 87(2)(b) arms and picked him up. Det. Hernandez did not see any officers punch or kick § 87(2)(b) or see any officers use any additional force against § 87(2)(b).

Det. Martinez stated that § 87(2)(b) was already handcuffed when he arrived on the scene in the prisoner van and did not see § 87(2)(b) on the ground (Board Review 10). He did not see any officers punching, kicking, or using any physical force against any officers during the incident.

Det. Mahoney stated that he saw § 87(2)(b) on the ground in handcuffs, but did not see how § 87(2)(b) came to the ground (Board Review 07). Det. Mahoney stated that § 87(2)(b) was yelling during the incident, but did not recall if he was doing anything physically. Furthermore, Det. Mahoney did not see any officers kicking or punching any civilians or seeing officers using any physical force.

Sgt. Query stated that when he arrived on the scene he saw § 87(2)(b) flailing his arms, kicking, and refusing to let go of the fence (Board Review 05). Sgt. Query acknowledged that there were approximately four officers on the scene, but he did not know which officers were present. § 87(2)(b) was then brought down to the ground. § 87(2)(b) tucked his arms underneath his body and at some point, the officers were able to grab § 87(2)(b) arms and place him in handcuffs. Sgt. Query did not see any officers kicking or punching § 87(2)(b) during the incident.

Lt. Hyland stated that § 87(2)(b) was already placed in handcuffs when he arrived on the scene (Board Review 11). § 87(2)(b) was yelling, kicking the fence, pushing backwards, and also possibly kicked Det. Memedoski. Once Lt. Hyland exited his vehicle, he saw officers guiding § 87(2)(b) to the ground. Lt. Hyland could not further describe this action, but stated that officers did not slam, pull, or push § 87(2)(b) to the ground. Lt. Hyland subsequently restrained § 87(2)(b) by holding his legs, but in the process § 87(2)(b) kicked him in the shin. Lt. Hyland denied using any additional force. Moreover, he did not see any officers kick or punch § 87(2)(b) and did not see officers use any additional force against § 87(2)(b).

There are no visible injuries on § 87(2)(b) head depicted in his arrest photo (Board Review 25).

Upon his release from Central Booking, § 87(2)(b) went to § 87(2)(b) Hospital on § 87(2)(b) (See Privileged Documents). § 87(2)(b) informed medical personnel that he was assaulted by an officer on April 8, 2016. The doctors noted of bruising to § 87(2)(b) back

and right arm and an abrasion to his left arm. § 87(2)(b) did not sustain any bone fractures or dislocations. § 87(2)(b) was diagnosed with muscle pain.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Allegation E – Force: On Saint Lawrence Avenue and Gleason Avenue in the Bronx, Lieutenant Charles Hyland used physical force against § 87(2)(b)
Allegation F –Abuse of Authority: On Saint Lawrence Avenue and Gleason Avenue in the Bronx, Lieutenant Charles Hyland threatened to arrest § 87(2)(b)

§ 87(2)(b), § 87(2)(g)

In her CCRB testimony, § 87(2)(b) stated that she stood approximately a foot away from the officers when she was trying to see what was happening between the officers and a male who was being handcuffed at the time (Board Review 01). When § 87(2)(b) saw that it was § 87(2)(b) who was on the ground being handcuffed, she went towards the officers and § 87(2)(b) while she swung her arms in a circular motion in front of her and told the officers to get off of him. Subsequently, Lt. Hyland told § 87(2)(b) to back up. § 87(2)(b) stated that she was reluctant to do so, but she backed up approximately two feet away. Lt. Hyland subsequently took out his handcuffs and asked, “Would you like me to arrest you?”

§ 87(2)(b) did not allege that he heard any officers threaten to arrest § 87(2)(b) during the incident (Board Review 01).

Lt. Hyland stated that § 87(2)(b) mother and sister, identified via the investigation as § 87(2)(b) and § 87(2)(b) were screaming when they arrived on the scene (Board Review 13). Lt. Hyland stated that he interacted with § 87(2)(b) mother, but the investigation determined that he interacted with § 87(2)(b) sister, § 87(2)(b) during the incident. At the time of

§ 87(2)(b) arrest, § 87(2)(b) stood approximately a foot away from Lt. Hyland. Lt. Hyland stated that in response, he extended his arm outwards and told § 87(2)(b) “Please step back.” He stated that neither § 87(2)(b) nor § 87(2)(b) complied with his orders to step back. Lt. Hyland further stated that § 87(2)(b) could have been arrested for obstruction of governmental administration for refusing orders to get back, but he denied threatening to arrest any civilians on the scene. Additionally, Lt. Hyland denied making any physical contact with either § 87(2)(b) or § 87(2)(b) when he was telling them to step back.

A person is guilty of obstructing governmental administration when he intentionally obstructs, impairs or perverts the administration of law or other governmental function or prevents or attempts to prevent a public servant from performing an official function, NY Penal Law 195.05 (Board Review 27). Prior to June 1, 2016, Patrol Guide Procedure 203-11 governing the use of force was still in effect. Patrol Guide Procedure 203-11 directs officers to use only that amount of force necessary to overcome resistance (Board Review 26).

§ 87(2)(b), § 87(2)(g)
[REDACTED]

Allegation G -Discourtesy: On Saint Lawrence Avenue and Gleason Avenue in the Bronx, officers spoke discourteously to § 87(2)(b)

§ 87(2)(b) alleged that at the scene of his arrest, he heard officers tell § 87(2)(b) to “shut the fuck up.” However, § 87(2)(b) did not indicate which officers did so. Furthermore, § 87(2)(b) did not allege that the officers used profanities toward her or § 87(2)(b) during the incident. § 87(2)(b), § 87(2)(g)
[REDACTED]

Allegation I –Abuse of Authority: On Saint Lawrence Avenue and Gleason Avenue in the Bronx, an officer threatened to arrest an individual.

§ 87(2)(b) stated that after the incident, § 87(2)(b) informed her that an officer threatened to arrest him while he was attempting to record the incident. § 87(2)(b) did not witness this incident. As detailed above, the investigation was unable to contact § 87(2)(b) since § 87(2)(b) could not provide any contact information for him and database queries could not be performed without his full name or any additional information for § 87(2)(b) § 87(2)(g)
[REDACTED]

Allegation J –Abuse of Authority: At the 43rd Precinct stationhouse, Sergeant Brian Query authorized a strip-search of § 87(2)(b)

It is undisputed that Sgt. Query authorized the strip search of § 87(2)(b) § 87(2)(g)
§ 87(2)(b)

In his CCRB testimony, § 87(2)(b) denied engaging in any illegal activities during the incident and denied placing anything inside his underwear on the scene (Board Review 02). § 87(2)(b) denied pulling away from the officers or holding his crotch area during his arrest. Moreover, § 87(2)(b) alleged that he was immediately brought inside a room and strip searched by Det. Baca and Det. Memedoski. § 87(2)(b) stated that he tried to prevent the officers from exposing him, but he was unsuccessful since he was in handcuffs. § 87(2)(b) did not further describe how he attempted to prevent the officers from removing his clothes. § 87(2)(b) admitted that the marijuana was found inside his underwear during the strip search. § 87(2)(b) denied having anything else on him other than the marijuana recovered from his underwear.

In his phone statement, § 87(2)(b) stated that prior to § 87(2)(b) being placed in handcuffs, § 87(2)(b) was pulling away and refused to be frisked (Board Review 03).

Sgt. Query stated that on the scene of § 87(2)(b) arrest, § 87(2)(b) was holding his crotch with two hands which Sgt. Query stated that perhaps § 87(2)(b) was preventing something from falling (Board Review 05). Sgt. Query denied seeing any bulges on § 87(2)(b) clothing at the time. Sgt. Query did not recall if anything was recovered from § 87(2)(b) at the arrest location. Sgt. Query stated that prior to the strip search, he was informed that § 87(2)(b) was swinging, rocking back and forth, and screaming inside the prisoner van. Sgt. Query did not recall which officer informed him of this observation. At the stationhouse prior to the strip search, Sgt. Query stated that § 87(2)(b) was very fidgety and was swaying his body back and forth. Furthermore, Sgt. Query was informed that § 87(2)(b) had reached towards his crotch area. He did not recall which officer informed him of this. As § 87(2)(b) was taken to the bathroom to have his laces and belt removed, Det. Hernandez requested for a strip search of § 87(2)(b). Sgt. Query stated that he authorized the strip search because of § 87(2)(b) maneuvers in the prisoner van, in the stationhouse, his mannerism, and the type of crime he was arrested for.

Det. Baca stated that prior to placing § 87(2)(b) in handcuffs, he observed § 87(2)(b) acting fidgety and saw § 87(2)(b) reaching behind the back of his waistband while he was backing up against a fence (Board Review 06). Det. Baca stated that he interpreted § 87(2)(b) actions as possibly trying to discard either a weapon or drugs. Det. Baca denied seeing any bulges on § 87(2)(b). Det. Baca did not recall if he requested for a strip search, but stated that he was suspicious of § 87(2)(b) of possibly having something on him because § 87(2)(b) was making a lot of movements on the scene of his arrest and nothing was recovered from the van. Det. Baca stated that he found marijuana in a small pocket/slit opening in the front crotch area of § 87(2)(b) underwear during the strip search in the stationhouse. The strip search is documented in § 87(2)(b) arrest report, but there are no notations to why the strip search was performed.

Det. Baca stated that after he uncuffed § 87(2)(b) for the purpose of removing § 87(2)(b) shirt, § 87(2)(b) became agitated (Board Review 06). Det. Baca stated that § 87(2)(b) was swinging his arms and kicking. Det. Baca subsequently restrained § 87(2)(b) by grabbing his arms, pulling them behind back, and placing § 87(2)(b) in handcuffs again. Det. Baca stated that Det. Memedoski also assisted in restraining § 87(2)(b). Det. Baca did not recall if additional force was used, but denied punching § 87(2)(b) and did not see Det. Memedoski punching § 87(2)(b).

In his CCRB testimony, Det. Memedoski stated that he did not recall if a strip search was conducted (Board Review 09). Det. Memedoski had the opportunity to review the arrest report, but did not provide any further information in regards to the strip search. Det. Memedoski stated that he saw § 87(2)(b) was still screaming and upset while being lodged into the cells at the stationhouse. Det. Memedoski denied punching § 87(2)(b) at the stationhouse.

None of the other officers interviewed stated that they were present while officers strip searched § 87(2)(b) (Board Review 05, 07, 08, and 10-13).

§ 87(2)(b), § 87(2)(g)

Allegation L –Abuse of Authority: At the 43rd Precinct stationhouse, Detective Ferdi Memedoski did not obtain medical attention for § 87(2)(b)

§ 87(2)(b) stated that while he was in the holding cells at the 43rd Precinct stationhouse, he asked Det. Memedoski to take him to the hospital (Board Review 02). In response, Det. Memedoski told § 87(2)(b) that he would take § 87(2)(b) to the hospital, but § 87(2)(b) was not provided with any medical attention during the incident. Furthermore, § 87(2)(b) stated that he did not obtain any medical attention at Central Booking. § 87(2)(b) went to the hospital upon his release on the following day.

Det. Memedoski denied seeing any visible injuries on § 87(2)(b) during the incident and did not hear § 87(2)(b) complaining of any pain or injuries (Board Review 09). Furthermore, Det. Memedoski stated that he did not hear § 87(2)(b) requesting to go to the hospital.

None of the officers interviewed stated that they saw any injuries on § 87(2)(b) or heard § 87(2)(b) requesting for medical attention during this incident (Board Review 05-13).

§ 87(2)(b) arrest photo did not depict any visible injuries (Board Review 25).

§ 87(2)(b) arrest information within the Command Log noted § 87(2)(b) physical condition as “normal” (Board Review 21)

The NYPD documents obtained did not indicate any significant injury (or any injury at all) that § 87(2)(b) sustained which would require immediate medical attention. § 87(2)(b), § 87(2)(g)

Allegation M –Abuse of Authority: At the 43rd Precinct stationhouse, Police Officer Luis Reyes did not process § 87(2)(b) s complaint regarding officers.

Allegation N –Abuse of Authority: At the 43rd Precinct stationhouse, Sgt. Brian Query did not process § 87(2)(b) s complaint regarding officers.

Allegation O –Abuse of Authority: At the 43rd Precinct stationhouse, Sgt. Brian Query did not provide his name and shield number to § 87(2)(b)

§ 87(2)(b), § 87(2)(g)

In her testimony, § 87(2)(b) stated that when she entered the stationhouse she spoke with PO Reyes (Board Review 01). § 87(2)(b) stated that she told PO Reyes that she wanted to file a complaint and he told her to sign in to the log and wait to be called. § 87(2)(b) also alleged that she asked Sgt. Query for his name and shield number and also told Sgt. Query that she wanted to file a complaint at the 43rd Precinct stationhouse. In response, Sgt. Query allegedly told her that they were not going to take her complaint and stated, “Good luck finding my name and information.” § 87(2)(b) was never given the opportunity to file the complaint at the stationhouse and stated that she had to call 311 herself.

§ 87(2)(b) who accompanied § 87(2)(b) to the stationhouse, did not provide a statement to the CCRB.

PO Reyes stated that he did not have any independent recollection of this incident (Board Review 12). Moreover, PO Reyes stated that there were no civilians who requested to file a complaint on the date of incident. PO Reyes stated that his understanding of when a civilian requests to file a complaint the civilian could file the complaint at the precinct, call, or walk in to the CCRB. Lt. Reyes did not have any independent recollection of this incident (Board Review 11). Lt. Reyes stated that he was on the second floor of the stationhouse inside his office and would not be able to hear any conversations by the front desk.

In his CCRB testimony, Sgt. Query acknowledged interacting with two females who identified themselves as § 87(2)(b) family members (Board Review 05). Sgt. Query stated that the females, identified via the investigation as § 87(2)(b) and § 87(2)(b) were possibly trying to retrieve property at the stationhouse. He recalled § 87(2)(b) and § 87(2)(b) shouting that they had a lawsuit against the 43rd Precinct. However, Sgt. Query did not recall § 87(2)(b) or § 87(2)(b) asking for his name shield number and denied refusing to provide his information to § 87(2)(b) or § 87(2)(b). Moreover, Sgt. Query denied hearing § 87(2)(b) and § 87(2)(b) stating that they wanted to file a complaint and denied refusing to process a complaint.

All of the Bronx Narcotics officers involved in the arrest acknowledged that they went to the 43rd Precinct stationhouse after the arrest (Board Review 05-10 and 13). However, none of the officers interviewed stated that they heard any civilians at the stationhouse requesting to file a complaint. Aside from Lt. Hyland, none of the other officers stated that any civilians requested for their name and shield numbers or heard any officers refuse to provide their name and shield numbers. Lt. Hyland stated that one of § 87(2)(b) family members asked for names and Lt. Hyland provided his name and the arresting officer's name to the individual (Board Review 13). Furthermore, Det. Memedoski, Det. Martinez, Det. Hernandez, and Lt. Hyland all definitively denied hearing any civilians asking an officer for their name and shield number or attempting to file a complaint.

§ 87(2)(b), § 87(2)(g)
[Redacted]
[Redacted]
[Redacted]
[Redacted].

§ 87(4-b), § 87(2)(g)
[Redacted]
[Redacted]
[Redacted]
[Redacted]
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Squad:

Investigator: _____
Signature Print Date

Squad Leader: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

